A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend an Act for the suppression of prostitution in the District of Columbia; to amend an Act in relation to pandering, to define and prohibit the same and to provide for the punishment thereof to remove certain criminal penalties for engaging in sex work in order to promote public health and safety; to repeal Section 1 of an Act to enjoin and abate houses of lewdness, assignation, and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose, and to assess a tax against the person maintaining said nuisance and against the building and owner thereof; to repeal An Act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases; and to create a task force to assess the impact of this legislation and recommend further reforms to improve community safety and health.

BE IT ENACTED BY THE COUNCIL FOR THE DISTRICT OF COLUMBIA, That this act may be cited as the “Community Safety and Health Amendment Act of 2019”.

TITLE I. REDUCING CRIMINALIZATION OF COMMERCIAL SEX

Sec. 101. This title may be cited as the “Reducing Criminalization of Commercial Sex Amendment Act of 2019”.

Sec. 102. An Act for the suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701 et seq.), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-2701) is repealed.

(b) Sections 5 through 7 (D.C. Official Code §§ 22-2723 through 22-2725) are repealed.
Sec. 103. Section 3(a) of An Act in relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22-2707(a)), is amended as follows:

(a) Strike the term “contact” and insert the phrase “contact: provided, that arranging for any individual to engage in prostitution shall not be unlawful if:” in its place.

(b) New paragraphs (1) through (3) are added to read as follows:

“(1) The person is arranging for prostitution involving herself or himself; or

“(2) The individuals involved have attained the age of 18 years and have an agreement that is voluntary and freely-given; and

“(3) The arrangement involves no force, fraud, coercion, or any violation of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1831 et seq.).”

Sec. 104. Section 1(a) of An Act to enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose; and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, approved February 7, 1914 (38 Stat. 280; D.C. Official Code § 22-2713(a)), is repealed.

Sec. 105. Section 1 of An Act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22-2722), is repealed.

TITLE II. ESTABLISHMENT OF A TASK FORCE TO IMPROVE COMMUNITY SAFETY AND HEALTH
Sec. 202. This title may be cited as the “Task Force to Improve Community Safety and Health Establishment Act of 2019”.


For the purposes of this title, the term:

(1) “Commercial sex” means a sexual act or contact with another person in return for giving or receiving anything of value.

(2) “Sex worker” means a person who provides a sexual act or contact with another person in return for receiving anything of value.

Sec. 203. Task Force establishment.

(a) No later than 90 days after the effective date of this title, the Mayor shall establish a task force to study and make recommendations regarding:

(1) The positive and negative effects of the Reducing Criminalization of Commercial Sex Amendment Act of 2019, including any unintended consequences;

(2) Additional changes to criminal penalties for commercial sex; and

(3) Providing supports for sex workers and other individuals engaging in commercial sex in the District of Columbia.

(b) The task force shall consist of 15 members who represent key constituencies or are District agency administrative heads or their designees, including:

(1) The Deputy Mayor (“Deputy Mayor”) for Health and Human Services;

(2) Organizations which advocate for sex workers and people profiled as sex workers;

(3) Organizations representing populations disproportionately impacted by the criminalization of commercial sex;
(4) Organizations representing survivors of human trafficking in the commercial sex sector;

(5) Organizations focused on improving public health;

(6) Organizations focused on preventing violence and sexual assault;

(7) Legal organizations that advocate for civil and human rights;

(8) At least three individuals who have engaged in commercial sex;

(9) The Metropolitan Police Department;

(10) The Department of Employment Services;

(11) The Department of Human Services; and

(12) The Department of Health.

(c)(1) The Mayor shall appoint the nongovernmental members of the task force, with the advice and consent of the Council, in accordance with section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)).

(d) The following organizations shall advise the task force:

(1) The Office of Victims’ Services and Justice Grants;

(2) Office of the Attorney General;

(3) U.S. Attorney’s Office;

(4) Public Defenders Service; and

(5) Any other government agencies or community-based organizations deemed appropriate by the task force.

(e)(1) The task force shall be co-chaired by the Deputy Mayor, or the Deputy Mayor’s designee, and one community representative, to be selected by the task force members.
(2) Any required staffing for the task force shall be provided by the Office of the Deputy Mayor.

(f) The task force shall:

(1) Study and make publicly available information relating to the historic trend and impact of criminal penalties for engaging in the commercial sex, the impact of their removal on public health and safety, and the need for additional budgetary and other resources to meet the needs of sex workers and other individuals engaging in commercial sex;

(2) Obtain at least quarterly updates from relevant agencies on the results of the Reducing Criminalization of Commercial Sex Amendment Act of 2019 in the District of Columbia;

(3) Provide guidance to the Mayor on improving public health and safety as a result of removing criminal penalties for commercial sex, including greater attention to violence against sex workers, easier access to health and social services for those engaging in commercial sex, and decreasing instances of coercion and exploitation; and

(4) Within 2 years of the commencement of the task force, issue a report on the effects of the removal of criminal penalties for engaging in commercial sex in the District, including any recommendations for amendments to statutes, regulations, or policies to better effectuate the Reducing Criminalization of Commercial Sex Amendment Act of 2019, and provide for public health and safety.

(g) The task force shall disband 3 years after the date of its initial meeting.

TITLE III. FISCAL IMPACT; EFFECTIVE DATE
Sec. 301. Fiscal impact statement.

Sec. 302. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto), a 60-day period of congressional review as provided in 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.